



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 2003-90-645

Applicant: Gallatin Center Limited Partnership, Gene Graf III

Waterway: East and West Catron Creeks

Issue Date: February 9, 2004

Expiration Date: February 24, 2004

15 DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of the Gallatin Center Limited Partnership (GCLP), for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The applicant requests permission to construct roads, water and sewer lines, and building pads associated with continuing commercial development at the Gallatin Center. The project also involves the relocation and enhancement of both East and West Catron Creeks. Wetland impacts for the entire project are anticipated to be 1.77 acres. The new floodplain and riparian corridors of the creeks will create approximately 1.88 acres of riparian wetlands. The remaining mitigation requirement (at a replacement ratio of 1.5 to 1) of .78 acre will be met by creating wetlands on the south end of the project area, adjacent to West Catron Creek. A final mitigation plan has not been submitted as of the date of this notice, but will be required and must be approved by the Corps prior to permit issuance.

Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located in the South 1/2 of Section 35, Township 1 South, Range 5 East, Gallatin County, Montana, within the city of Bozeman, south of the 19th Street and I-90 Interchange.

Purpose: The purpose of the proposed project is to continue with the Master Plan for the commercial development of the Gene Graf property in Bozeman.

Background: Previous permits have been issued for prior development at Gallatin Center, which have expired. This request is for the continued build-out of the previously authorized project. Sandan LLC, an adjoining development, was authorized to place fill and culverts across East and West Catron Creeks associated with the construction of Cattail Road, which is on GCLP property. The .09 acre impacts associated with the construction of Cattail Road are already authorized and are not included with this application.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation

of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

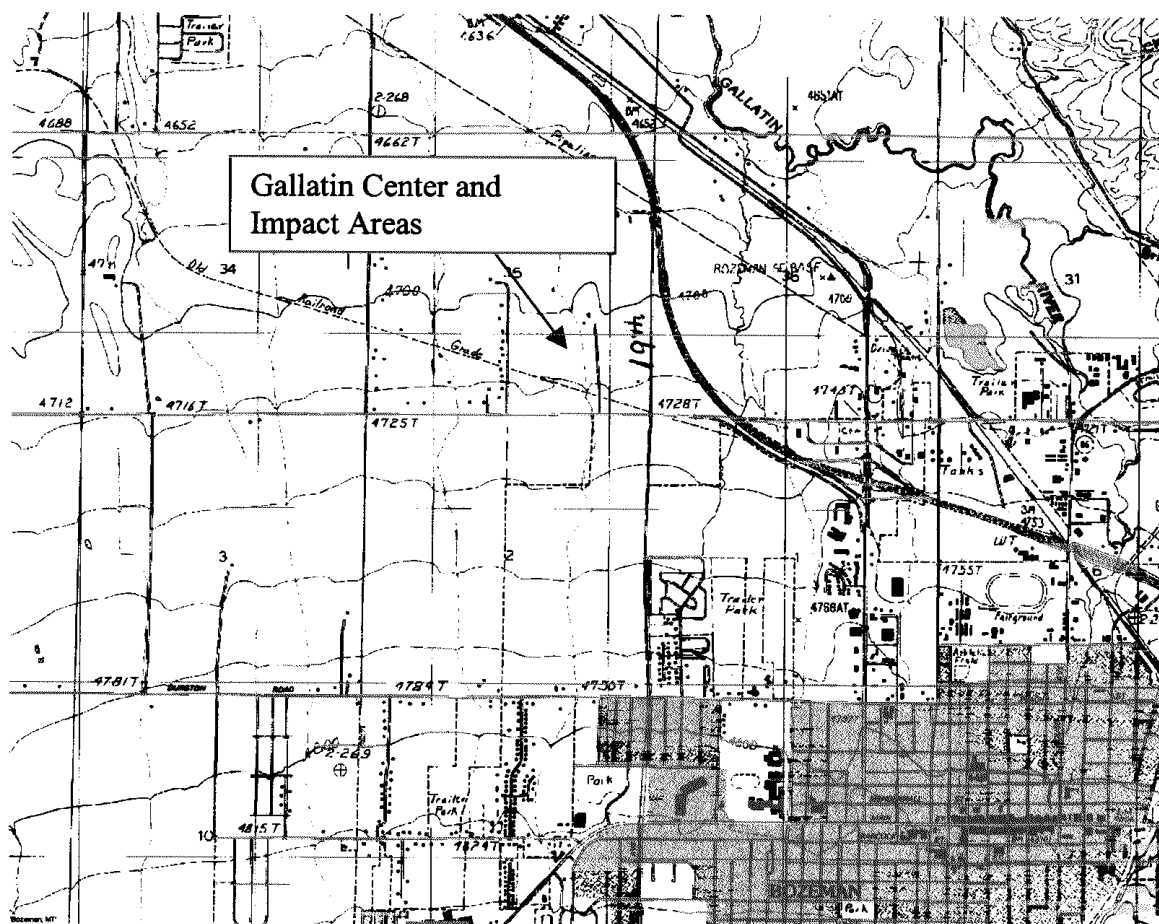
Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice

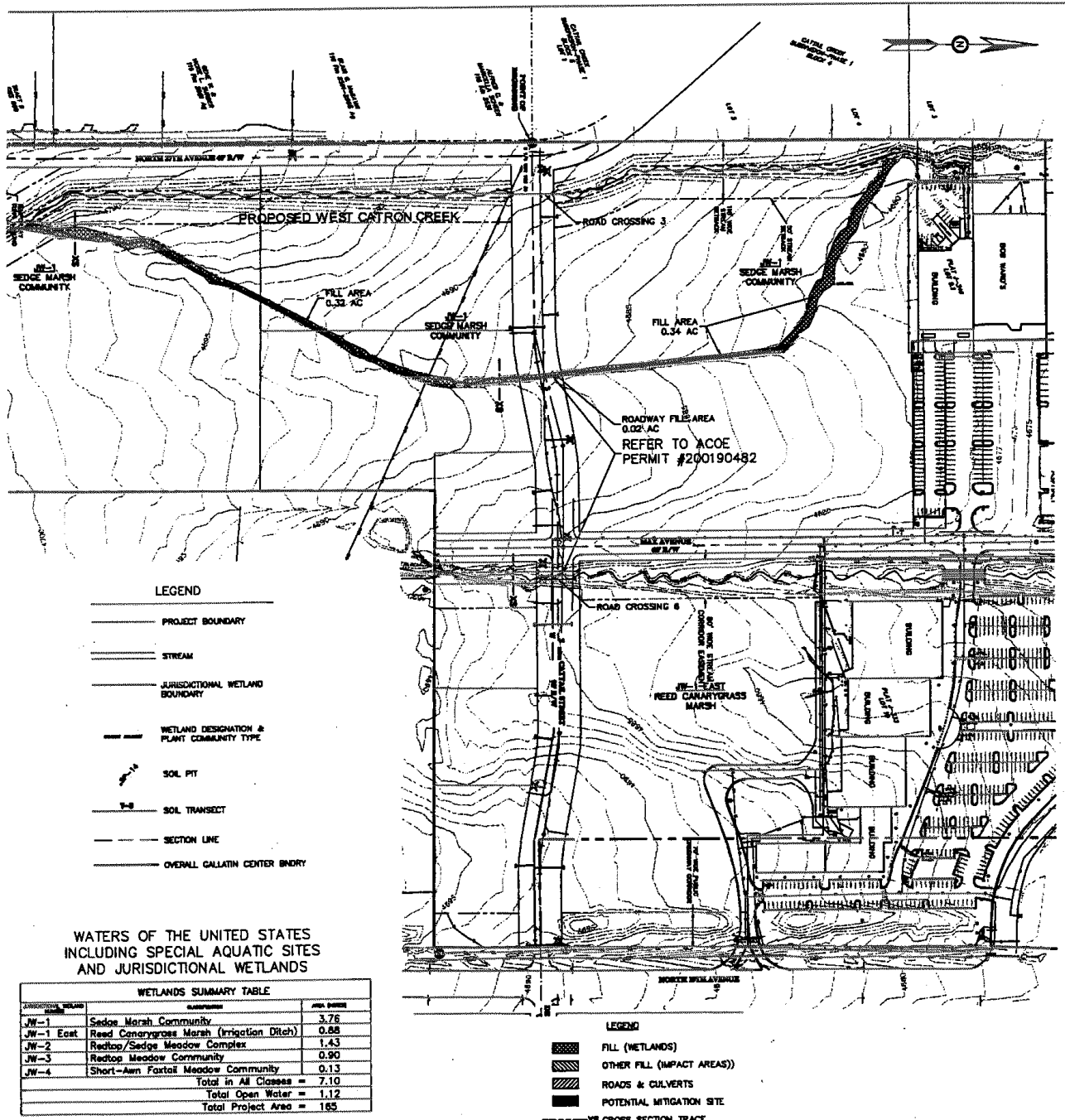
should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Jean Ramer (project manager), telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380, or email to: **Jean.L.Ramer@usace.army.mil**

Comments postmarked after the expiration date of this public notice will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

SEP 18 2003





GALLATIN CENTER

North Section

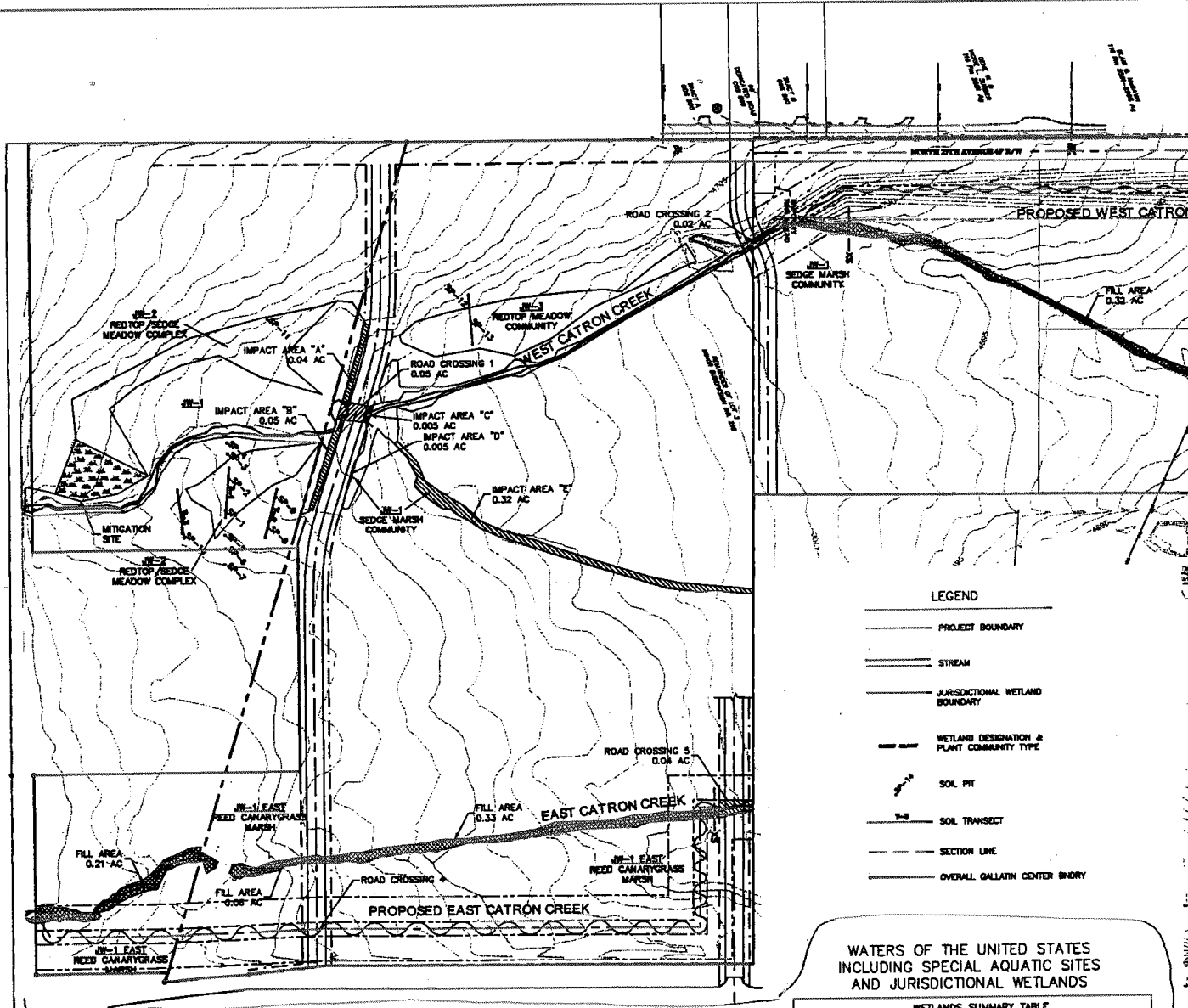


Civil Engineering
T & E Associates

31 DISCOVERY DRIVE

PROJECT # 03-090.1
DATE: 2/2/04
SHEET 10F

SHEET
10F



WATERS OF THE UNITED STATES
INCLUDING SPECIAL AQUATIC SITES
AND JURISDICTIONAL WETLANDS

	AREAS OF IMPACT		
	WEST CATRON	EAST CATRON	TOTAL (AC)
FILL (WETLAND RELOCATION)	0.84	0.60	1.24
OTHER FILL (IMPACT AREAS)	0.42	-	0.42
ROADS & CULVERTS	0.07	0.04	0.11
TOTAL (AC)	1.13	0.64	1.77
NEW FLOODWAY (AC)	0.78	1.10	1.88
NET (AC)	-0.35	+0.46	+0.11

OTHER FILL	
IMPACT AREA	ACRES
"A"	0.04
"B"	0.05
"C"	0.005
"D"	0.005
"E"	0.32
TOTAL	0.42

CULVERTS (W/ FEET'S)		
ROAD CROSSING	LF	SUBTOTAL
1 (WEST CATRON)	80'	
2 (WEST CATRON)	72'	
3 (WEST CATRON)	108'	258'
4 (EAST CATRON)	72'	
5 (EAST CATRON)	84'	
6 (EAST CATRON)	108'	262'
TOTAL	524'	

WETLANDS SUMMARY TABLE		
JURISDICTIONAL WETLANDS	ACRES	ACRES
JW-1 Sedge Marsh Community		3.76
JW-1 East Reed Canarygrass Marsh (Irrigation Ditch)		0.88
JW-2 Redtop/Sedge Meadow Complex		1.43
JW-3 Redtop Meadow Community		0.90
JW-4 Short-Awn Foxtail Meadow Community		0.13
Total in All Classes =		7.10
Total Open Water =		1.12
Total Project Area =		185

NO.	REVISIONS	DRAWN BY	DATE



GALLATIN CENTER
South Section

→ See enlargement pg 6 b

6b

WATERS OF THE UNITED STATES
INCLUDING SPECIAL AQUATIC SITES
AND JURISDICTIONAL WETLANDS

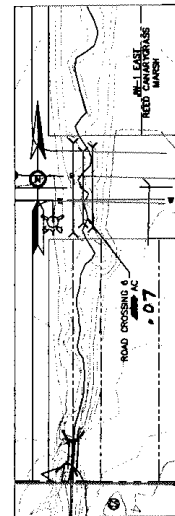
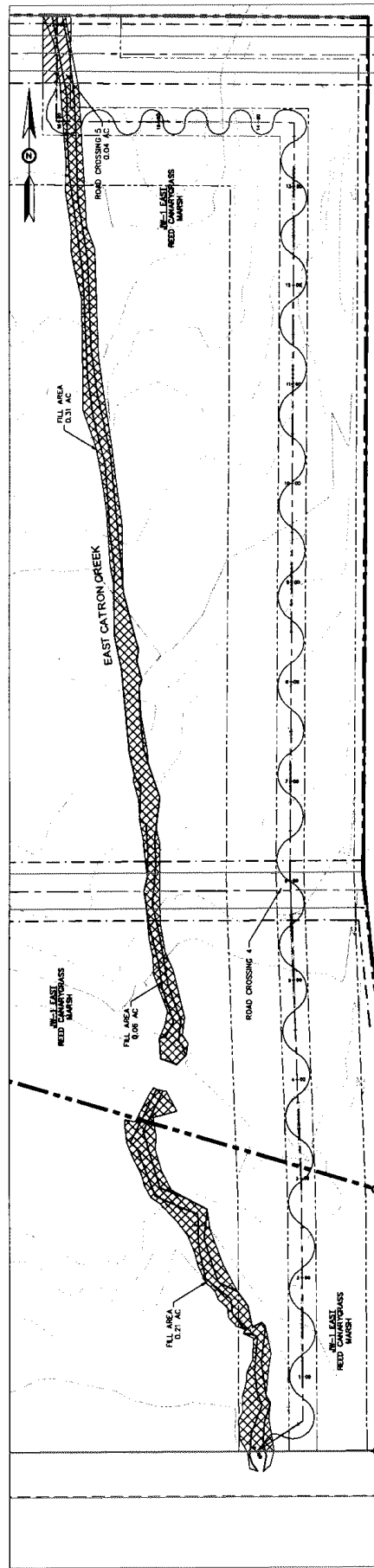
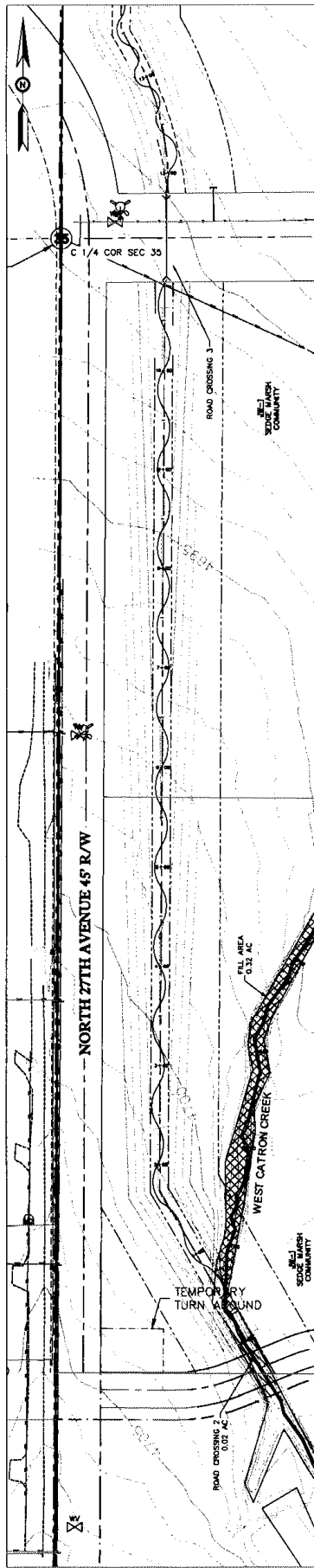
WETLANDS SUMMARY TABLE			
JURISDICTIONAL WETLAND NUMBER	CLASSIFICATION	AREA (ACRES)	AREA (ACRES)
JW-1	Sedge Marsh Community		3.76
JW-1 East	Reed Canyagrass Marsh (Irrigation Ditch)		0.88
JW-2	Redtop/Sedge Meadow Complex		1.43
JW-3	Redtop Meadow Community		0.90
JW-4	Short-Awn Foxtail Meadow Community		0.13
Total in All Classes =			7.10
Total Open Water =			1.12
Total Project Area =			1.65

CULVERTS (W/ FEET)			
ROAD CROSSING	LF	SUBTOTAL	
1 (WEST CATRON)	80'		
2 (WEST CATRON)	72'		
3 (WEST CATRON)	106'	258'	
4 (EAST CATRON)	72'		
5 (EAST CATRON)	84'		
6 (EAST CATRON)	106'	262'	
TOTAL	520'		

OTHER FILL	
IMPACT AREA	ACRES
"A"	0.04
"B"	0.05
"C"	0.005
"D"	0.005
"E"	0.32
TOTAL	0.42

AREAS OF IMPACT		
	WEST CATRON	EAST CATRON
FILL (WETLAND RELOCATION)	0.84	0.80
OTHER FILL (IMPACT AREAS)	0.42	-
ROADS & CULVERTS	0.07	0.04
TOTAL (AC)	1.13	0.84
NEW FLOODWAY (AC)	0.78	1.10
NET (AC)	-0.35	+0.46
		+0.11

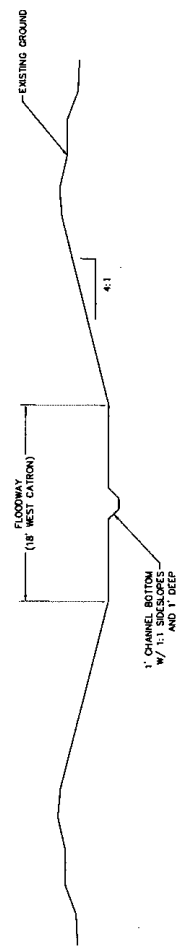
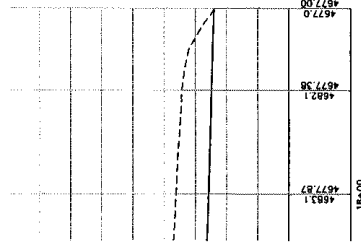
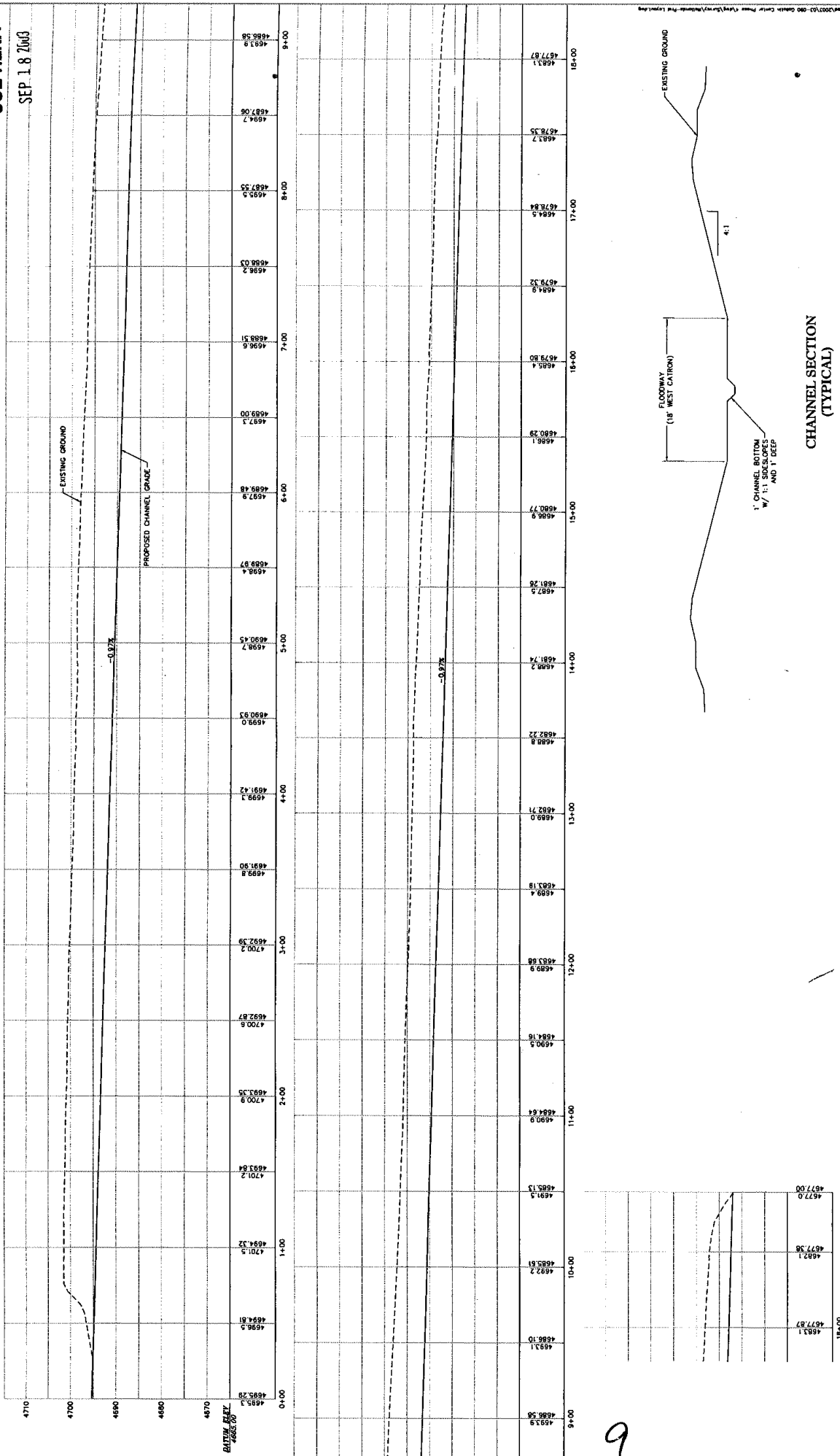
GALLATIN CENTER



NO.	REVISIONS	DRAWN BY	DATE	 <p>SCALE: 1 INCH = 50 FEET</p>	<p>GALLATIN CENTER WETLANDS CROSSING 2, 3, 4, AND 5 BOZEMAN, MONTANA</p>	 <p>ALLIED ENGINEERING, INC. 1000 WEST 10TH AVENUE SPOKANE, ID 83402 PHONE (509) 325-4221 FAX (509) 325-2778</p>	<p>PROJECT # 03-00611 DATE 2/27/04 SHEET 3 OF 3</p>
				<p>PROJECT ENGINEER: COB DRAWN BY: OSH DESIGNED BY: RFS REVIEWED BY: RFS</p>	<p>Civil Engineering Land Surveying Geotechnical Engineering Structural Engineering</p>	<p>WETLANDS-PREL</p>	

COE-HLNA

SEP 18 2003



CHANNEL SECTION (TYPICAL)

GALLATIN CENTER
PROPOSED WEST CATRON - PROFILE
BOZEMAN, MONTANA



Civil Engineering
Land Surveying
Geotechnical Engineering
Structural Engineering

31 DISCOVERY DRIVE
BOZEMAN, MT 59718
PHONE (406) 582-0221
FAX (406) 582-5776

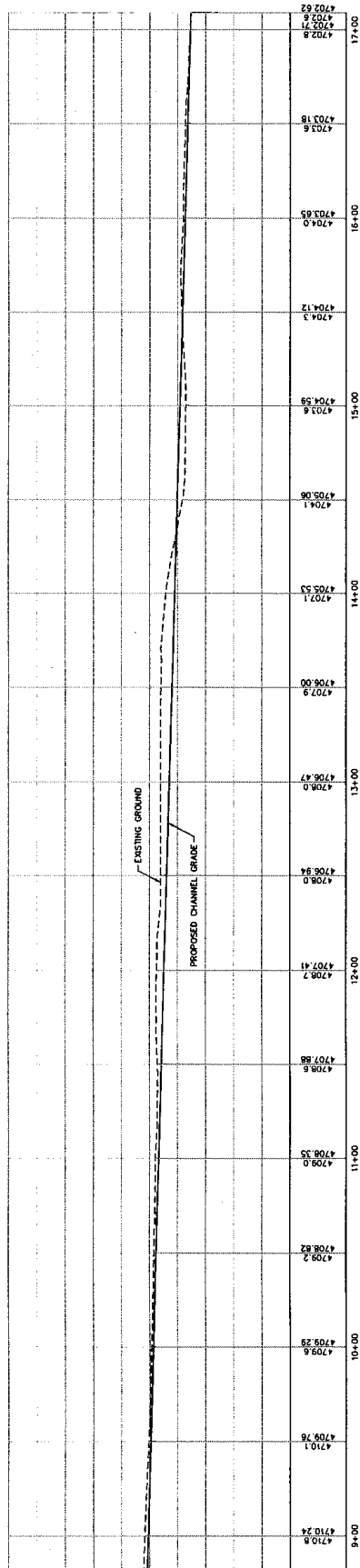
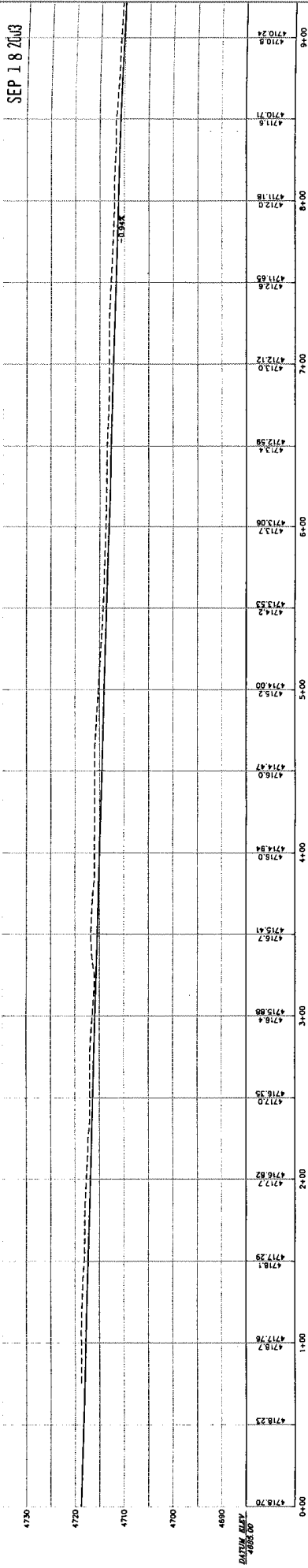
PROJECT # 03-090-1
DATE: 9/2003
WETLANDS-PREL
OVERALL SHEET 4 OF 4
WETLANDS-PREL

NO.	REVISIONS	DRAWN BY	DATE

PROJECT ENGINEER: CDB	DESIGNED BY: CDB
SCALE: VERTICAL 1"=20'	SCALE: HORIZONTAL 1"=40'
BAR EQUALS 1"=40'	DRAWN BY: CDB
REVIEWED BY: CDB	

COE-HLNA

SEP 18 2003



CHANNEL SECTION
(TYPICAL)

NO.	REVISIONS	DRAWN BY	DATE	HORIZONTAL SCALE		VERTICAL SCALE		PROJECT ENGINEER	DESIGNED BY	REVIEWED BY	DRAWN BY	DATE	PROJECT #	DATE	SHEET
				0	50	0	10								
SCALE VERIFICATION: 1" = 10' HORIZONTAL, 1" = 10' VERTICAL													WETLANDS - PREL		
PROJECT: 03-0901													WETLANDS - PREL		
12 DISCOVERY DRIVE BOZEMAN, MT 59718 PHONE (406) 542-2211 FAX (406) 542-2776													Civil Engineering Land Surveying Geotechnical Engineering Structural Engineering		
GALLATIN CENTER PROPOSED EAST CATRON - PROFILE BOZEMAN, MONTANA													ALLIED ENGINEERING SERVICES, INC.		
10													50F		